

OCT 15 2015

TONY R. MOORE, CLERK  
BY 1/08 DEPUTY

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

JESSE RAY DEMMON

CIVIL ACTION NO. 15-1624-P

VERSUS

JUDGE ELIZABETH E. FOOTE

WARDEN CAIN

MAGISTRATE JUDGE HORNSBY

**J U D G M E N T**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein [Record Document 3], and after an independent review of the record, including written objections filed by Petitioner, and determining that the findings are correct under the applicable law;

**IT IS ORDERED** that Petitioner's application for writ of habeas corpus be **DENIED AND DISMISSED WITH PREJUDICE**, sua sponte, because it is time barred by the one-year limitation period imposed by the AEDPA.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires a district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The Court, after considering the record in this case and the standard set forth in 28 U.S.C. § 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

**THUS DONE AND SIGNED**, in chambers, in Shreveport, Louisiana, on this 15<sup>th</sup> day of Oct 2015.

  
ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE